

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BURKE LEE ANTHONY TYLER,

Petitioner,

v.

SUPT. BARRY SMITH, et al.,

Respondents.

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CIVIL NO. 3:17-CV-38

(Judge Kosik)

ORDER

AND NOW, this 26th day of January, 2017, upon consideration of the Petition for Writ of Habeas Corpus and the accompanying Memorandum, **IT IS HEREBY ORDERED AS**

FOLLOWS:

1. Petitioner's motion to proceed in forma pauperis (Doc. 7) is **GRANTED for the sole purpose of filing the instant petition.**
2. Respondents' Motion to Dismiss the petition as untimely (Doc. 5) is **GRANTED** and the petition is dismissed. The petition for writ of habeas corpus is **DISMISSED as time-barred** by the statute of limitations. See 28 U.S.C. § 2244(d).
3. Respondents' Motion to Stay the filing of a response addressing the merits of the petition (Doc. 6) is **DENIED as moot.**
4. There is no basis for the issuance of a certificate of appealability. See 28 U.S.C. § 2253(c).
5. The Clerk of Court is directed to **CLOSE** this case.

s/Edwin M. Kosik
EDWIN M. KOSIK
United States District Judge